

(Ord. No. 93881) Adoption of UDC and Implementation Schedule.
 (Ord. No. 93882) Creation of Technical Advisory Committee
 (Ord. No. 95190) Clarification TAC Responsibility
 (Ord. No. 96056) TAC Reappointment

Article I. Purpose & Scope

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35-101 Title

This chapter shall be known and may be cited as the Unified Development Code of the City of San Antonio.

35-102 General purpose and intent

The Unified Development Code as established in this chapter has been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the community. It is intended to consolidate in one place and in logical order without unnecessary duplication all of the regulations pertaining to land use and development. It is designed to make it possible for all of those concerned with land use and development to have access to all city legislation with respect thereto in one convenient chapter which is capable of being published and distributed as a separate and comprehensive segment of the City Code as a whole.

- (1) The zoning and land use regulations set forth in Articles 2 and 3 are designed to promote the public health, safety, morals, or general welfare and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.
- (2) The subdivision regulations set forth in Articles 4 and 5 are designed to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.
- (3) The processing procedures set forth in Article 4 are designed to consolidate the location of regulations governing the processing of permits for the development of land. The purpose is to ensure that notification and procedures comply with state, provide ample opportunity for public participation in the land development process, provide for the efficient and timely processing of development permits, and to promote the readability of the document for the general public and for applicants requesting a permit.
- (4) The development standards in Article 5 consolidate the substantive standards relating to the issuance of permits for zoning and subdivision approval in order to provide clarity and certainty in the development approval process.
- (5) Article 6 provides standards for the alteration, restoration and rehabilitation of historic structures, properties within historic districts, the modification of archaeological sites, and development activities on City-owned property, and within public rights-of-way.
- (6) Article 7 provides for the protection of legal nonconforming uses and vested rights in accordance with state and federal common and statutory law.
- (7) Article 8 establishes the various administrative agencies involved in the development approval process, as well as the role of administrative and legislative bodies.
- (8) Definitions are established in Appendix A in order to provide guidance to readers of this Code, while reserving the balance of the Code for substantive standards.
- (9) Application submittal requirements are established in Appendix B in order to provide guidance to applicants in the submittal of permit applications, to avoid the unnecessary expenditure of public resources for the processing of incomplete applications, and to avoid unnecessary delay in the approval of applications for development approval.

35-103 Authority

The following sections of Vernon's Annotated Codes of the State of Texas are hereby adopted:

- Local Government Code, Chapters 41, 42, 43, 54, 211, 212, 213, 214, 215, 216, 217, 241, 242, 243, and 431.
- Property Code, Section 12.002.

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- Water Code.
- Flood Control and Insurance Act, Sections 16.311 through 16.317.
- Vernon's Annotated Civil Statutes and Article 1175.

Provisions of this chapter are adopted in the exercise of the power granted municipalities by these statutes and pursuant to the provisions of Article I, Section 3, paragraphs 9 and 13 of the Charter of the City of San Antonio.

35-104 *Applicability***(a) *Generally***

This Chapter shall apply to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, manufactured home parks, and also to streets and sidewalks insofar as these are involved in the foregoing enumeration of purpose and intent and the following enumeration of applicability.

This Chapter shall apply to all public buildings and private land(s), and use(s) thereon over which the City has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States, including any areas within the jurisdiction of the City pursuant to the authority recited in § 35-103, above. The Planning Department (hereinafter known as the "Department") of the City can be contacted for further information about the use of this Code.

(b) *Public Buildings, Structures and Uses*

In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this article shall not apply to buildings of county, state, or federal agencies, except for those cases in which the land is not owned by the county, state, or federal agency. The provisions of this Chapter shall apply to any buildings, structures, or uses of the City or its agencies or instrumentalities including, but not limited to, the Department of Public Works, San Antonio Water System (SAWS), and City Public Service (CPS).

(c) *Subdivision Regulations*

Subdivision and platting regulations as set out herein shall apply to all of the area within the incorporated areas of the City and the extraterritorial jurisdiction of the city as provided in Vernon's Local Government Code, Chapter 212.

(d) *Zoning*

Article III of this Chapter (zoning) shall not apply to any use or activity exempt from zoning pursuant to VTCA Local Government Code § 211.013. Unless otherwise specifically provided for in Article III, Zoning, the Zoning Regulations shall not apply to property belonging to or used by the City of San Antonio, City Public Service and the San Antonio Water System.

(e) *Edwards Aquifer*

Development occurring within the recharge zone, or watersheds draining into the recharge zone, of the Edwards Aquifer, to which this chapter is applicable, must also comply with the regulations contained in Chapter 34 of the Municipal Code, to the extent such regulations are applicable.

35-105 *Consistency with Master Plan*

Pursuant to Tex. Local Gov't Code § 211.004, this Code is intended to implement the goals, objectives and policies of the *Master Plan* and is hereby deemed to be consistent and in accordance with the *Master Plan*. Any amendments to this Chapter, including any rezoning approved pursuant to § 35-421 of this Chapter, shall be consistent with following:

- (a) The adopted *Master Plan*, as it may be amended from time to time, in effect at the time of such request for amendment; and
- (b) Any Neighborhood Plan adopted pursuant to § 35-420 of this Chapter.

An amendment to the text of the Ordinance is consistent with and in accordance with the *Master Plan* if it complies with the goals and policies stated in the *Master Plan*, as it may be amended from time to time.

35-106 *Coordination with Other Regulations*

(a) *Generally*

The use of buildings and land within the City shall be subject to all other regulations as well as this Chapter, whether or not such other provisions are specifically referenced in this Chapter. References to other regulations or provisions of this Chapter are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.

(b) *Zoning*

Pursuant to VTCA Local Government Code § 211.013 (Conflict With Other Laws; Exceptions), if a zoning regulation adopted under subchapter A of Chapter 211, VTCA Local Government Code (see Article III of this Chapter) requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under Article III of this Chapter controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

35-107 *Rules of construction*

Interpretation and application of the provisions of this Chapter shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. This Chapter shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms or phrases in this Chapter shall be construed in accordance with Appendix A hereto, which is hereby incorporated by reference as if set forth in its entirety herein.

This Chapter contains numerous graphics, pictures, illustrations and drawings in order to assist the reader in understanding and applying the Chapter. However, to the extent that there is any inconsistency between the text of this Ordinance and any such graphic, picture, illustration or drawing, the text shall control unless otherwise provided in the specific section.

When the term *days* appears in this chapter relative to the technical review process for a subdivision plat or any other plat, unless specifically noted as *working days*, the term days shall

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be interpreted to mean *calendar days*. If the reference to *days* for a period of time less than six days, the term shall be interpreted as *working days*.

(Ord. No. 96624 § 2)

35-108 Permits and Certificates

No development activity shall occur on any property within the jurisdiction of this Chapter until the applicable permit, approval and certificate for such activity have been issued and approved by the officials with the authority to approve the same pursuant to Article 4 of this Chapter.

35-109 Effective Date

This Chapter shall become effective at the date specified by the enabling ordinance or pursuant to the Charter of the City of San Antonio.

35-110 Severability of Chapter

If for any reason any one or more sections, sentences, clauses or parts of this Chapter are held invalid, such judgement shall not affect, impair or invalidate the remaining provisions of this Chapter but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Chapter held invalid. The invalidity of any section, sentence, clause or part of this Chapter in any one or more instances shall not affect or prejudice in any way the validity of this Chapter in any other instance.

35-111 Annual Updates for Amendments

The purpose of this section is to provide for annual updates to this Chapter in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

- (a) At least sixty (60) days prior to September 1st of each year, any person may provide a request for amendment to this Chapter to the Planning Director. The request for amendment shall be labeled an "Annual Update Request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.
- (b) The Director shall not receive request for amendments after July 1st. The Director shall refer the proposed amendments to various City departments, land development service committee, the Planning Commission, the Zoning Commission and the City Council. The Director may conduct workshops to informally discuss the Annual Update Requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.
- (c) The Planning Director shall refer the Annual Update Requests to the Planning Commission and/or Zoning Commission by October 30. The Planning Commission and/or Zoning Commission shall refer the Annual Update Request to the City Council by December 1. Any amendments that are finally approved shall become effective January 1 of the following year.

(Ord. No. 98697 § 1, 5 & 6)

35-112 Administrative Official

The Administrative Official for the purposes of this chapter shall be the City Manager and his assistants, deputies, and department heads insofar as they may be charged by the City Manager and the provisions of this Chapter with duties and responsibilities with reference thereto. Without limitation, the Directors of Planning, Public Works, and Development Services shall ordinarily administer and enforce the provisions of this Chapter.